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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,523	09/02/2003	Paolo Tiramani	286357-00004-1	3343

7590 09/29/2009
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/29/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/653,523	Applicant(s) TIRAMANI, PAOLO	
	Examiner Jeanette E. Chapman	Art Unit 3633	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 14 July 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

- (1) In the "Status of the Amendments" section, Appellant has not listed the Amendment After Final Rejection filed 2/26/2009 and not entered by the Advisory Action of 4/23/2009 as is required by 37 CFR 41.37(c)(1)(iv).
- (2) In the "Summary of the Claimed Subject Matter", Appellant does not have a concise explanation of the subject matter of each independent claim involved in the appeal which refers to the specification by page and line number as is required by 37 CFR 41.37(c)(1)(v). Rather, Applicant is using paragraph numbers, but the originally filed specification does not have paragraph numbers so that it appears Appellant is referring to the Pre-Grant Publication and not the originally filed specification.
- (3) In the Claims Appendix, Appellant has listed the wrong set of claims because claim 13 and claim 15 are shown as being dependent upon claim 11, but this how claim 13 and claim 15 were amended in the After Final Amendment of 2/26/2009 which claim amendments were not entered by the Advisory of 4/23/2009. The claims should appear as they did in the 9/17/2008 Amendment where claim 13 and claim 15 are dependent upon canceled claim 12.
- (4) Finally, in the Evidence Appendix, Appellant has listed on what date each item of evidence was "submitted", but 37 CFR 41.37(c)(1)(ix) requires "a statement setting forth where in the record that evidence was entered in the record by the examiner."